



House of Representatives

General Assembly

File No. 28

January Session, 2001

Substitute House Bill No. 6590

House of Representatives, March 8, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VICTIM SERVICES ADVOCATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-122 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 All matters which are juvenile matters, as defined in section 46b-
4 121, shall be kept separate and apart from all other business of the
5 Superior Court as far as is practicable, except matters transferred
6 under the provisions of section 46b-127, which matters shall be
7 transferred to the regular criminal docket of said Superior Court. Any
8 judge hearing a juvenile matter shall, during such hearing, exclude
9 from the room in which such hearing is held any person whose
10 presence is, in the court's opinion, not necessary, except that in
11 delinquency proceedings any victim of the delinquent act, the parents
12 or guardian of such victim and any victim services advocate appointed
13 pursuant to section 54-221 shall not be excluded unless the judge
14 specifically orders otherwise.

15 Sec. 2. Subdivision (6) of subsection (b) of section 54-203 of the
16 general statutes is repealed and the following is substituted in lieu
17 thereof:

18 (6) To apply for, receive, allocate, disburse and account for grants of
19 funds made available by the United States, by the state, foundations,
20 corporations and other businesses, agencies or individuals to
21 implement a program for victim services which shall assist witnesses
22 and victims of crimes as the Office of Victim Services deems
23 appropriate within the resources available and to coordinate services
24 to victims by state and community-based agencies, with priority given
25 to victims of violent crimes, by (A) assigning, in consultation with the
26 Division of Criminal Justice, such victim services advocates as are
27 necessary to provide assistance; (B) administering victim service
28 programs; and (C) awarding grants or purchase of service contracts in
29 accordance with the plan developed under subdivision (15) of this
30 subsection to private nonprofit organizations or local units of
31 government for the direct delivery of services, except that the
32 provision of training and technical assistance of victim service
33 providers and the development and implementation of public
34 education campaigns may be provided by private nonprofit or for-
35 profit organizations or local units of government. Such grants and
36 contracts shall be the predominant method by which the Office of
37 Victim Services shall develop, implement and operate direct service
38 programs and provide training and technical assistance to victim
39 service providers.

40 Sec. 3. Section 54-220 of the general statutes is repealed and the
41 following is substituted in lieu thereof:

42 (a) Victim services advocates shall have the following
43 responsibilities and duties: (1) To provide initial screening of each
44 personal injury case; (2) to prepare victim impact statements to be
45 placed in court files; (3) to assist victims by providing information

46 needed for more effective processing of cases; (4) to provide
47 information and advice to individual victims; (5) to direct victims to
48 public and private agencies for service; (6) to coordinate victim
49 applications to the Office of Victim Services; and (7) to assist victims in
50 the processing of claims for restitution.

51 (b) Within available appropriations, the Office of Victim Services
52 may contract with any public or private agency for victim advocate
53 services in geographical area courts.

54 (c) The Office of Victim Services is within the judicial branch, and
55 victim services advocates are judicial branch employees.

56 Sec. 4. Section 53a-46d of the general statutes is repealed and the
57 following is substituted in lieu thereof:

58 A victim impact statement prepared by a victim services advocate to
59 be placed in court files in accordance with subdivision (2) of subsection
60 (a) of section 54-220, as amended by this act, may be read in court prior
61 to imposition of sentence upon a defendant found guilty of a crime
62 punishable by death.

63 Sec. 5. Subsection (h) of section 54-82t of the general statutes is
64 repealed and the following is substituted in lieu thereof:

65 (h) If the parent or parents or guardian of a child who is certified as
66 a witness at risk of harm critical to a criminal investigation or
67 prosecution as provided in subsection (b) of this section, declines the
68 provision of protective services under this section, the Office of the
69 Chief State's Attorney shall be notified within twenty-four hours after
70 such declination. Upon receipt of such notice, the Chief State's
71 Attorney shall make reasonable efforts to confer with a victim services
72 advocate providing services for the Office of Victim Services and shall,
73 not later than three days after such declination, determine if the matter
74 should be referred to the Department of Children and Families for

75 investigation as to whether such child is neglected, as defined in
76 section 46b-120, and whether the department should provide
77 protective services or take other action pursuant to chapter 319a or
78 815t with respect to such child.

Statement of Legislative Commissioners:

In subsection (c) of section 3, "exists" was changed to "is" for statutory consistency and sections 4 and 5 were added for accuracy.

JUD JOINT FAVORABLE SUBST.-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department, Office of Victim Advocate

Municipal Impact: None

Explanation

The bill makes a technical and clarifying change and would not result in a fiscal impact.

OLR Bill Analysis

sHB 6590

AN ACT CONCERNING VICTIM SERVICES ADVOCATES.**SUMMARY:**

This bill changes the name of victim advocates employed by the Office of Victim Services to “victim services advocates.” This change helps to further distinguish them from the victim advocate who heads the Office of Victim Advocate.

Under the bill and current law, the Office of Victim Services is located within the Judicial Department. The bill specifies that victim services advocates are judicial employees.

By law, the Office of Victim Advocate is located within the Freedom of Information Commission for administrative purposes.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Victim Advocates***

The Office of Victim Services hires victim advocates (victim services advocates under the bill) and courts appoint them to represent the needs of and assist crime victims. They also help make decisions necessary to protect child witnesses. Among other things, these advocates:

1. prepare victim impact statements for court files,
2. provide information and advice to individual victims,
3. coordinate victim applications to the Office of Victim Services, and
4. help victims process claims for restitution.

The Victim Advocate

The victim advocate is appointed by the governor and confirmed by the General Assembly. His duties are to:

1. evaluate the victim services delivery system;
2. coordinate and cooperate with other agencies concerned with implementing, monitoring, and enforcing victims' constitutional rights;
3. enter cooperative agreements with other agencies to further these rights;
4. review service providers' procedures concerning victims' constitutional rights;
5. receive and review complaints against victim service providers and conduct investigations when a victim needs assistance;
6. file a limited special appearance in any court proceeding involving the use or threatened use of physical force in order to advocate for victims' constitutional rights;
7. ensure a central place for victim services information;
8. recommend changes in state policies concerning victims;
9. conduct public education programs, undertake legislative advocacy, and make proposals for systematic reform; and
10. take appropriate steps to advise the public of the office's services, purpose, and contact procedures.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0